



PRICE MARRINER &  
ASSOCIATES LIMITED

# HEALTH & SAFETY UPDATE – JUNE 2009

## Welcome

Welcome to the Health & Safety Legal Update from Price Marriner & Associates Limited. We hope to provide you with some topical news articles relating to Health and Safety which we are sure you will find useful.

If any of the articles raise any issues or questions then do not hesitate to contact us - we are more than happy to consider your question or discuss your concerns. Any questions should be addressed to:

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## First Firm charged under Corporate Manslaughter Act

The Crown Prosecution Service (CPS) has authorized the first ever charge under the Corporate Manslaughter and Corporate Homicide Act 2007.

The charge follows the death of 27-year-old Alexander Wright, a junior geologist, who was killed when the sides of a pit in which he had been working collapsed and crushed him under several tones of mud. It took emergency services two days to recover the body from the pit.

Mr. Wright's employer, Cotswold Geotechnical Holdings has been charged not only with Corporate Manslaughter, but also with breaching Section 2 of the Health

and Safety at Work etc. Act 1974.

One of the company directors has been charged with gross negligence manslaughter and offences, as a Director, under the Health and Safety at Work Act.

The company face an unlimited fine and sentencing guidelines suggest that the fine should be between 10 and 55% of company turnover.

The company director could face life imprisonment if convicted of gross negligence manslaughter.

If your company would like to know more about the Corporate Manslaughter offence then request one of our factsheets which details the key features of the offence. To request a factsheet e-mail [ian.marriner@pricemarriner.co.uk](mailto:ian.marriner@pricemarriner.co.uk). We also offer training for senior managers on both corporate manslaughter and responsibilities under the Health and Safety at Work etc Act - contact us for details.

## Sensible Approach to Risks Needed

The Health and Safety Executive (HSE) have stressed the need to adopt a common sense approach to risk assessment, following the recent Panorama programme which alleged an 'over zealous health and safety culture'.

The programme criticised 'rules' regarding the use of ladders and the amount of money spent

by Council's on topple testing gravestones. The shows presenter, Quentin Letts, said that workplace deaths 'must be kept to a minimum' but said that unless society resists 'pointless meddling', safety will become a 'dangerous joke'.

Following the programme, the HSE acknowledged that 'health and safety' is sometimes used as an excuse to save money or justify unpopular decisions. However, often the true reason behind these decisions has nothing to do with health and safety requirements.

An HSE spokesperson said 'HSE's work is not about wrapping people in cotton wool but working with employers to reduce the number of families devastated by their loved one being killed or injured'. According to HSE statistics, 229 workers were killed in workplace accidents last year and 28 million working days were lost due to work-related ill health.

The best way to manage health and safety successfully is to properly control workplace risks by applying a common sense, but effective risk assessment process. Approached properly, good risk assessments can control workplace risks, reduce accidents and incidents and even reduce insurance premiums.

If you would like help with the risk assessment process then give us a call, we have tried and tested techniques that can help legal compliance.

## Recession Increases Stress Levels

A recent survey by Norwich Union Healthcare has shown that British workers are showing increased levels of panic attacks and insomnia due to stress associated with the economic downturn. 50% of employees admitted to being stressed and one in five claimed to be suffering depression.

The survey found that workers were increasingly putting more effort and time into their jobs. About half were going to work when they were ill and

working longer hours, while around a third were not having lunch breaks. Outside of work, people are drinking and smoking more, comfort eating and self medicating with over the counter medicines.

9 out of 10 GP's and 80% of employers surveyed stated that stress related illness will be the most important occupational health issue of 2009.

If stress is an issue within your workplace, there is plenty of help available – look at the HSE's Workplace Stress Standard at [www.hse.gov.uk/stress/standards](http://www.hse.gov.uk/stress/standards). We can also offer advice and training, contact us for more details.

## Company ignores warnings and ends up in court

An animal boarding and quarantine centre in Colchester has been fined £4000 for health and safety failings after ignoring a number of warnings about problems on the site.

The company had been served with one Prohibition Notice, 7 Improvement Notices and a letter detailing 14 further matters that needed attention. Despite the legal notices, the company failed to address all of the problems and were prosecuted for non-compliance with four of the notices.

In the absence of a serious accident or incident, it is very unlikely for either the Health and Safety Executive (HSE) or local authority to take prosecution action without issuing a warning first. When a company responds appropriately to any warning or legal notice then they should always be able to avoid the embarrassment, publicity and costs of going to court.

We have considerable experience of enforcement practice with both the HSE and local authorities so if you do get into trouble and are not sure how to respond give us a call - we can help.



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